

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MOBIL CERRO NEGRO, LTD.,

Plaintiff,

v.

PDVSA CERRO NEGRO S.A.

Defendant.

Civil Action No. 07 CV 11590
(DB)

ORDER OF ATTACHMENT

Plaintiff has moved the Court for an Order of Attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and Articles 62 and 75 of the New York Civil Practice Law and Rules ("CPLR"). Plaintiff has shown that it has a cause of action in the form of an arbitration, that it is probable that it will succeed on the merits, that the amount demanded from the defendant exceeds all counterclaims known to the plaintiff.

Therefore, for these reasons, as supported by the showings made in plaintiff's motion for an order of attachment, the Declaration of Steven K. Davidson, dated December 27, 2007, and the Declaration of Michael J. Baratz, Dated December 26, 2007, and the exhibits thereto, it is hereby ORDERED, that:

1. Plaintiff's motion for an order of attachment is granted.
2. The amount to be secured by this Order is Three Hundred Million Dollars (\$300,000,000).

3. The United States Marshal for the Southern District of New York, or any person appointed to act in his place and stead, shall levy within his jurisdiction upon such monies, property, and/or interest in property of defendant PDVSA CERRO NEGRO S.A. ("PDVSA CN"), ~~including but not limited to any assigns, affiliates or related companies of PDVSA CN~~, as are on deposit with, or held by The Bank of New York Mellon Corporation and shall pay or deliver all such funds, monies, property, and/or interests in property to the Clerk of this Court for the purpose of satisfying any arbitral award that may be obtained against the defendant. PKC

4. Upon plaintiff's application, the Court hereby appoints the following persons to act in the place and stead of the U.S. Marshal for the purpose of serving this Order and effecting the levy ordered hereby: Lenor Marquis and Kimberlyn Brzozowski, both of whom are employed by counsel for plaintiff.

5. Service of a copy of this Order upon The Bank of New York Mellon Corporation, via facsimile, electronic transmission, overnight courier, or personal delivery, shall be deemed sufficient service thereof.


6. The statement required by CPLR § 6219 shall be served by the garnishee upon the U.S. Marshall, and a copy served on plaintiff's counsel, within five (5) days after service of this Order.

7. Pursuant to CPLR § 6211, plaintiff shall move within a period not to exceed five days after levy, for an order confirming the order of attachment with notice to defendants and garnishee, and serve on defendants all papers upon which this Order is based.

8. Plaintiff shall post a bond in the amount of \$ 8,000,000.00 as security. within
five (5)
business
days.

SO ORDERED.

Dated: New York, New York
December 27, 2007


UNITED STATES DISTRICT JUDGE
P. KEVIN CASTEL, USDT
PART I